

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

**PDC08-014/GP08-T-01.** General Plan Text Amendment to increase the height limit to 70 feet and a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow construction of 74,800 square feet for medical office uses and associated parking located on the northeast corner of Samaritan Drive, South Bascom Avenue, and State Route 85 (2581 SAMARITAN DR); 421-37-017. (Samaritan Medical Center, Owner / Developer) Council District: 9

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

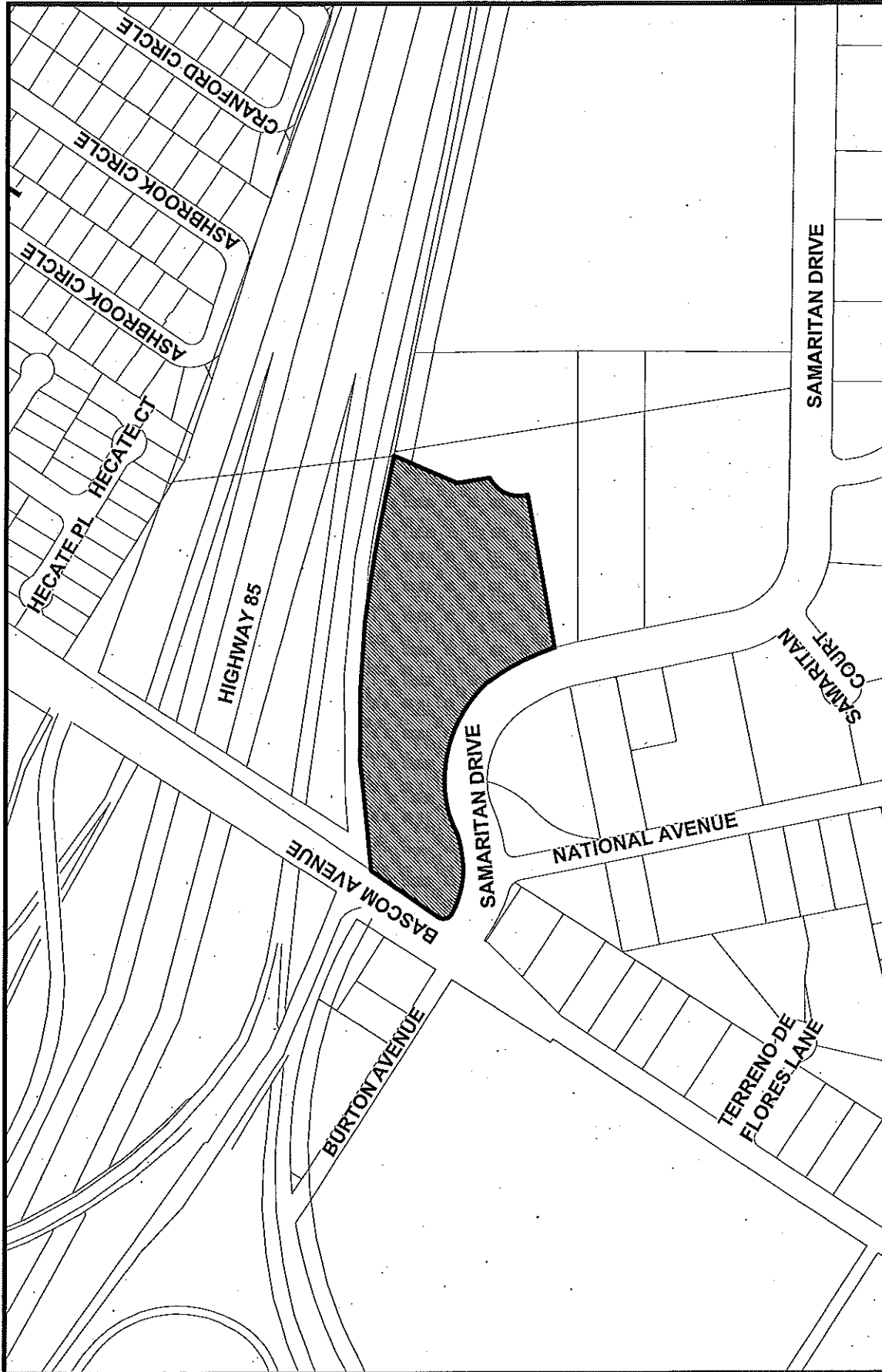
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **November 5, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 15, 2008** and ends on **November 5, 2008**.

A public hearing on the project described above is tentatively scheduled for **November 5, 2008 at 6:30 PM** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Cambrian Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Ed Schreiner** at (408) 535-3555.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on: 10/15/08

  
Deputy



File No: PDC08-014

District: 9

Quad No: 127

Approx. Scale: 1" = 300'

Map Created On: 03/05/2008

Noticing Radius: 1000 feet



**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** PDC08-014/GP08-T-01 - Samaritan Medical Center

**PROJECT FILE NUMBER:** PDC08-014/GP08-T-01

**PROJECT DESCRIPTION:** Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow construction of 74,800 square feet for medical office uses on a 6.32 gross acres site and subsequent permits and General Plan Text Amendment to revise the text section of the San Jose 2020 General Plan, Chapter IV Goals and Policies: Urban Design Policies #10, Specific Sites and Geographic Area Exceptions to allow "on the northeast corner of Samaritan Drive, South Bascom Avenue, and State Route 85 a maximum building height of 70 feet."

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** northeast corner of Samaritan Drive, South Bascom Avenue, and State Route 85 (2581 SAMARITAN DR); 421-37-017

**COUNCIL DISTRICT:** 9

**APPLICANT CONTACT INFORMATION:** SAMARITAN MEDICAL CENTER, Attn: Dave Henderson, 2581 SAMARITAN DR STE 300, SAN JOSE CA 95124, (408)356-3103

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

**I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**III. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**V. CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

# **XI. NOISE**

**MITIGATION MEASURES:** The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.

- The buildings shall be equipped with mechanical ventilation systems to allow the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to verify that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.

**XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

## PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **November 5, 2008**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on: 10/15/08  
Deputy



Adopted on: \_\_\_\_\_  
Deputy

MND/JAC 8/26/05

## PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in ZONING at a public hearing in accordance with the San José Municipal Code on:

**Planning Commission Hearing**  
Wednesday, November 05, 2008  
6:30 p.m.

City Council Chambers  
City Hall  
200 East Santa Clara Street  
San Jose, CA 95113

**City Council Hearing**  
Tuesday, December 02, 2008  
7:00 p.m.

City Council Chambers  
City Hall  
200 East Santa Clara Street  
San Jose, CA 95113

The project being considered is:

**GP08-T-01/PDC08-014. General Plan Text Amendment to increase the height limit to 70 feet and a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow construction of 74,800 square feet for medical office uses and an associated parking structure on a 6.32 gross acres site, located in the northeast corner of Samaritan Drive, South Bascom Avenue, and State Route 85 (2581 SAMARITAN DR) (Samaritan Medical Center, Owner). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.**

Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft staff report and recommendations will be available for review seven calendar days prior to the public hearing at:

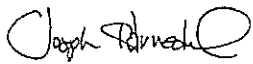
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95113  
(408) 535-7800

<http://www.sanjoseca.gov/planning/hearings/>

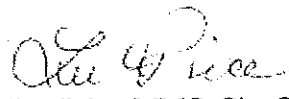
You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.**

*\* If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Ed Schreiner**, at the e-mail address: [edward.schreiner@sanjoseca.gov](mailto:edward.schreiner@sanjoseca.gov) in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel, Director  
Dated: October 15, 2008



Lee Price, MMC, City Clerk  
Noticing Radius: 1000 ft